

### **REMARKS**

Claims 1-14 are pending in the present application. Claims 1-8 and 11-14 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by GB 2,237,224 to Craig ("Craig"). Claims 9-10 stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Craig in view of EP 757006 to Ooms ("Ooms"). Claim 1-14 also stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Craig in view of Ooms, FR 598674 to Berrod ("Berrod"), 3,847,523 to Parrish ("Parrish"), and 2,320,496 to Wechsler ("Wechsler") in view of EP 340,132 to Janik ("Janik"), 6,153,238 to Shannon ("Shannon"), 4,844,917 to DeLorimere (DeLorimere), 2,419,654 to Moore ("Moore"), and 6,179,165 to Knight ("Knight").

#### **Claims 1-8 and 11-14 Are Not Anticipated by Craig**

Claim 1 recites a decorator coupler having a "decorative opening." According to the Examiner, Craig discloses a coupler 22 having a "decorative opening" because coupler 22 is capable of extruding out a bead of material that could be used to decorate an item (and as such would be decorative). Applicants submit that such an interpretation of the term "decorative" opening is not how such a term would be interpreted by those of ordinary skill in the art.

In the culinary arts, it is well known that a "decorative" opening refers to a shaped, non-circular opening. Such an interpretation is supported by how the term "decorative" is used in the very references cited by the Examiner. For example, in describing the use of a "decorating" tube, Parrish states that a cone filled with icing is squeezed and "the icing is caused to be extruded through the tube with a selected shape, as described by the size and configuration of the aperture at the end of the tube." (Col. 1, line 12-16). In describing a "decorative" nozzle accessory, Knight states that "the threaded outlet 22 of the bag member 20 is designed to be operably engaged with the threaded upper end 51 of a decorative nozzle accessory 50 wherein the lower end of the nozzle accessory 50 is provided with a contoured nozzle outlet 52 that can produce a decorative pattern with the contents of the bag member." (Col. 2, lines 45-51). In describing the use of different "decorator" tips, Shannon states that "a series of different

shaped tips 145 could be supplied, and the user could pick the tip 145 to make the shape most suitable for the food item being garnished." (Col. 6, lines 59-62).

Accordingly, Applicants submit that one skilled in the art would not interpret the term "decorative opening" to include the type of opening in the coupler described in Craig. As such, Applicants submit that Craig does not teach a decorator coupler having a "decorative opening designed to extrude filling in a first decorative shape" as recited in independent claims 1, 5, and 11 (and all claims that depend therefrom).

#### **Claims 9-10 Are Not Rendered Obvious by Craig in View of Ooms**

Claims 9 and 10 recite a "decorative opening designed to extrude filling in a first decorative shape." For the reasons stated above, Craig does not teach this limitation and Ooms does not make up for this deficiency. Accordingly, claims 9-10 are not rendered obvious by Craig in view of Ooms:

#### **Claims 1-14 Are Not Rendered Obvious by Craig in View of the Secondary and Tertiary References Cited by the Examiner**

The Examiner cites Craig in view of several other references to support the position that "assum[ing] that Craig does not teach a coupler having a decorative opening. . . the art taken as a whole teaches it would have been obvious to provide the coupler that would be capable of providing a decorative shape." As the Examiner is well aware, in order to establish a *prima facie* case of obviousness, there must be some motivation or suggestion in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references to produce the claimed invention. All the references cited by the Examiner either describe 1) decorator nozzles within pastry bags or 2) decorator nozzles that are attachable to couplers within pastry bags. None describe a coupler with a decorative opening. Moreover, none of the references provide any motivation or suggestion to modify the coupler of Craig such that it has a decorative opening as recited in independent claim 1, 5, and 11 of the present application. One of ordinary skill in the art confronted with the problem of having to empty the filling bag and insert a new decorative tip every time it is desired to extrude filling in an additional decorative shape, would not modify the coupler of Craig such that

it has a decorative opening. Based on the teachings of the cited references, one of ordinary skill in the art would simply attach a different decorative tip to the coupler each time a different decorative shape of filling is desired to be extruded. There is no teaching or suggestion that the coupler should be modified to have a decorative opening to solve the above-mentioned problem.

The Examiner notes that Knight appears to describe extruding material through a nozzle/coupler with or without an additional element. Knight describes an outlet 22 that may be capable of having material extruded therethrough (since it has an opening).

However, in order to produce a decorative pattern, Knight describes attaching a decorative nozzle accessory to the outlet. See col. 2, lines 45-51. As such, Applicants submit that neither Knight nor any of the other secondary and tertiary references provide any motivation or suggestion to modify the coupler of Craig such that the coupler has a decorative opening, as recited by claims 1, 5, and 11 of the present invention.


Accordingly, Applicants submit that claims 1, 5, and 11 (and all claims that depend therefrom) are not rendered obvious by Craig in view of the secondary and tertiary references cited by the Examiner.

**CONCLUSION**

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application. Any fees for extension(s) of time or additional fees that are required in connection with the filing of this response, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,  
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